

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESUS TORRES,

Plaintiff,

- against -

**ORDER OF SERVICE**

No. 24-CV-411 (CS)

JONATHAN CAMACHO, FRANCISCO  
MOREIRA, RICCARDO ZAMOR, and  
CHRISTOPHER BOWMAN,

Defendants.  
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CATHY SEIBEL, United States District Judge:

Plaintiff Jesus Torres, who is currently incarcerated at Clinton Correctional Facility, brings this action, *pro se*, under 42 U.S.C. § 1983, alleging that Defendants violated his federal constitutional rights while he was incarcerated at Green Haven Correctional Facility.<sup>1</sup> By order dated February 23, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP") – that is, without prepayment of fees. (ECF No. 9.)<sup>2</sup> On May 15, 2024, in response to a court order, (ECF No. 13), Plaintiff filed an Amended Complaint, (ECF No. 17). By Order dated July 25, 2024, the Court ordered, among other things, that the New York State Attorney General ("NYAG") ascertain the identities and badge numbers of the unidentified "John Doe" defendants named in the Amended Complaint and the addresses where they may be served. (ECF No. 20 at 3 (citing *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997).)

On November 7, 2024, the NYAG provided the names and addresses of four potential defendants. (ECF No. 35.) On January 2, 2025, Plaintiff requested that the NYAG provide the

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<sup>1</sup> Plaintiff's second amended complaint, (ECF No. 40), is the operative pleading.

<sup>2</sup> Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

badge numbers for those defendants. (ECF No. 36.) The Court directed the NYAG to clarify whether those four individuals were the “John Does” and, if not, to identify the proper officers or inform the Court that it could not so within thirty days. (*See* ECF No. 37.) On February 3, 2025, the NYAG provided the names, addresses, and badge numbers of four different officers to be identified as the potential “John Doe” defendants, (ECF No. 38), and the Court ordered Plaintiff to file his second amended complaint within thirty days of receiving the NYAG’s letter, (ECF No. 39). On February 18, 2025, Plaintiff filed the second amended complaint naming four Defendants. (ECF No. 40 (“SAC”).)<sup>3</sup>

### DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the U.S. Marshals Service to effect service.<sup>4</sup> *See Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on C.O. Jonathan Camacho; C.O. Francisco Moreira; C.O. Riccardo Zamor; and C.O. Christopher Bowman through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form

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<sup>3</sup> While Plaintiff included “Greenhaven Correctional Facility Superintendent” in the caption of the SAC, (*see* ECF No. 40 at 1), Plaintiff neither listed the Superintendent as a defendant, (*see id.* at 3), nor included any facts involving that individual. Accordingly, it does not appear that Plaintiff intended to name the “Greenhaven Correction Facility Superintendent” as a defendant in this case.

<sup>4</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the SAC and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the summons is issued.

(“USM-285 form”) for each of these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service of the summons and the SAC, (ECF No. 40), upon each of these defendants.

If the SAC is not served within 90 days after the date summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to issue a summons for Defendants C.O. Jonathan Camacho, C.O. Francisco Moreira, C.O. Riccardo Zamor, and C.O. Christopher Bowman; complete the USM-285 form with the address for each of these defendants; and deliver all documents necessary to effect service of the summons and the SAC, (ECF No. 40), to the U.S. Marshals Service.

The Clerk of Court is also directed to mail a copy of this order to Plaintiff Jesus Torres 24B0433 at Clinton Correctional Facility, P.O. Box 2000, Dannemora, NY 12929.

**SO ORDERED.**

Dated: February 25, 2025  
White Plains, New York

  
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CATHY SEIBEL, U.S.D.J.

**SERVICE ADDRESSES OF DEFENDANTS**

1. **C.O. Jonathan Camacho**  
Badge Number: 33706  
ATTN: Carol Ann Murphy  
Inmate Records Coordinator I  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, NY 12582-0010
2. **C.O. Francisco Moreira**  
Badge Number: 45446  
ATTN: Carol Ann Murphy  
Inmate Records Coordinator I  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, NY 12582-0010
3. **C.O. Riccardo Zamor**  
Badge Number: 43101  
ATTN: Carol Ann Murphy  
Inmate Records Coordinator I  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, NY 12582-0010
4. **C.O. Christopher Bowman**  
Badge Number: 37610  
ATTN: Carol Ann Murphy  
Inmate Records Coordinator I  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, NY 12582-0010